

Minutes
**Labor-Management Advisory Council on
Workers' Compensation**

February 20, 2009

1:15-2:30 pm

Advisory council members present: Lt. Governor John Bohlinger; Jason Miller, Co-Chair, Bob Worthington, Co-Chair (Connie Welsh gave her proxy to Bob), Jerry Keck, Don Judge, Dan Lee, Riley Johnson, Annette Hoffman, Jacquie Helt, Doug Buman, Bill Dahlgren

Core team members present: Diana Ferriter, Judy Bovington, George Kochman, Keith Messmer, Jeanne Johns

Others present: Dustin DeYong, Lt. Governor's Office; Nancy Butler, Carl Kochman, and Kevin Braun, Montana State Fund; John Bennion, Montana Chamber of Commerce

- I. Approval of Agenda
The Council agreed to move the topic: Entertain Motions for LMAC Position on Transmittal Bills to the top of the agenda. Agenda approved.
- II. Entertain Motions for LMAC Positions on Transmittal Bills
The Council agreed to discuss its position on the bills and if a position is taken, one of the co-chairs will testify at the hearings and present the Council's position. Agenda approved.
- III. Status of LMAC Bill, HB 283
Transmitted to Senate. The Council gave their support of this bill when it was drafted.
- IV. Status of Department Workers' Compensation Bills – Council supported these bills when they were drafted.
HB 119—transmitted to the Senate.
HB 138—transmitted to the Senate.
- V. Status of Other Workers' Compensation Bills
HB 126 – Don Judge moved to support this bill; Annette Hoffman 2nd – Motion carried. Council supports this bill.
HB 204 – Bob Worthington move to support this bill as amended; Jason Miller 2nd – Motion carried. Council supports this bill.
HB 378 – Many of the members stated they still don't know who is exempt as a "freight forwarder". Nancy Butler explained the State Fund was told there are about five in MT that meet the federal definition. If the State Fund audited these individuals, they's have to produce the federal papers supporting the exemption. The Council decided not to take a position on this bill.
HB 408 – Don Judge moved to support this bill. Jacquie Helt 2nd. Bob Worthington explained he can't support this bill because of the presumption the disease was work related. He also feels there could be an equal protection argument from other workers. A

roll call vote was taken and failed to meet the voting requirement of 3 labor and 3 management votes in favor. The Council will not take a position on this bill.

SB 363 – Jason Miller moved to oppose this bill. Bob Worthington 2nd. Jason explained this proposed exemption is not for a specific occupation and the dollar threshold sets an unpredictable precedent not used before with exemptions. Bob agreed with Jason that one can't apply guidelines to a description of employment versus an occupation. The Council voted to oppose this bill.

SJ10 – Bob Worthington moved to support this resolution. Don Judge 2nd. Many members of the Council felt the state should be able to study whether insurance coverage as a self-insured or with a private carrier could save the state money. Riley opposed this resolution because he thought the State should continue to support the State Fund since the State's premium is about 7% of State Fund's premium. The Council voted to support this resolution.

The Council chose to take no positions on the remaining bills.

VI. Public Comment - None

VII. Next Steps

Reserve a room at Capitol for next phone conference	George	March 6, 2009

Next teleconference: Friday, March 6th, 1:15p